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10/774,335

02/06/2004

Robert Donovan

PTG 02-83-5

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28268

7590

04/28/2010

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EXAMINER

CHOI, STEPHEN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/774,335  
Filing Date: February 06, 2004  
Appellant(s): DONOVAN ET AL.

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Michael Aronoff  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed July 22, 2009 appealing from the Office action mailed January 6, 2009.

**(1) Real Party in Interest**

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The following is a list of claims that are rejected and pending in the application:

1-5, 11-16, 22, 25-30, 36, and 39

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the

subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

6,557,447

LEE

5-2003

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

**Claims 1-5, 11-16, 22, 25-30, 36, and 39 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee.**

Lee discloses all the recited elements of the invention including a tension spring assembly (e.g., Figure 3), a cam assembly (e.g., Figure 4), a cover assembly (e.g., Figure 4) including a handle (e.g., 36) adjustably coupled with the cam assembly (e.g., at 33), and an index indicator (80). Regarding claims 3, 13, 26-27, a tension spring (e.g., 70), a fine adjustment assembly (e.g., 60/61), and a plunger (e.g., 40). Regarding claims 4-5, 14-16, and 28-30, the cam assembly comprising a cam (e.g., 30) including a cam actuation member (e.g., 34, 35) and a pin (e.g., 33), and a cam actuator (e.g., 32). Regarding claims 11 and 36, a securing assembly (e.g., Figure 4, unlabeled). Regarding claims 25 and 39, a standard blade tensioning device (e.g., Figures 1-2). In addition, Lee discloses a band saw comprising a lower band wheel (e.g., 16) operatively

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engaged with a motor (e.g., 15), a lower band wheel (e.g., 17), a band saw blade (e.g., 18), and a sliding tension bracket (e.g., 20).

#### **(10) Response to Argument**

Appellants argue that Lee does not teach a tension spring assembly for applying a tension force as claimed since the spring 70 applies a compressive force instead. Appellants further argue that Lee does not teach a cam assembly applying a force to the tension spring assembly as claimed since the force of gravity acting on the driven wheel, the slide seat, first elastic member, and the seat block which acts to compress the spring 63.

The examiner respectfully disagrees. The tension spring 70 indirectly controls tension of the band saw blade. Hence, the tension spring assembly of Lee does apply a tensioning force as claimed. The claim does not require a tensioning force being applied to the tension spring. Furthermore, appellants appear to argue that angular positions of the cam assembly do not affect displacement of the tension spring. However, the claim merely requires the cam assembly applying a force to the tension spring. Lee teaches the cam assembly that is coupled to the sliding tension bracket (e.g., 20) which includes a stop plate (e.g., 25) which is operationally coupled to the plunger (e.g., 40) which is operationally coupled to the tension spring (e.g., 70). Hence, whether the cam is in a position shown on Figure 3 or a position shown on Figure 5, the tension spring applies a reaction force (i.e., a force against a compression force) to the slide seat which is operationally coupled to the cam assembly. Since there is the reaction force being applied by the tension spring to the slide seat, there has to be a

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force being applied by the cam assembly which acts against the reaction force of the tension spring on the cam assembly. For example, the slide seat slides down by its own weight when the cam is in the position shown on Figure 5, however, there is a force on the tension spring in opposition to the force of gravity against the slide seat which in turn acts against the cam assembly. Therefore, there is a force being exerted by the cam assembly against the tension spring assembly via the slide seat. The cam assembly and the tension spring assembly form a simple action-reaction pair. Thus, Lee does teach the cam assembly applying a force to the tension spring assembly as claimed.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Stephen Choi/

Primary Examiner, Art Unit 3724

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